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4 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**
5 **OF THE STATE OF WASHINGTON**

6
7 IN RE COMPLIANCE
WITH RCW 42.17

8 JOHN POTTER

9 Respondent.

) PDC CASE NO.: 03-052
)
)

) FINDINGS OF FACT AND
) ORDER VACATING FINAL
) ORDER
)

10 **COMMISSION'S CONSIDERATION**

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12 At a Commission meeting held January 28, 2003, the Commission considered
13 whether to vacate a Final Order in Case No. 03-052 for Respondent John Potter. The
14 Commission considered whether the Respondent violated RCW 42.17.080 and 42.17.090
15 by failing to timely file the report of contributions and expenditures (PDC form C-4) that
16 was due seven days before the 2002 primary election, by September 10, 2002. The
17 consideration was held pursuant to chapters 34.05 and 42.17 RCW and chapter 390-37
18 WAC. The consideration was held at the Evergreen Plaza Building, Room 206, 711
19 Capitol Way South, in Olympia, Washington. Philip E. Stutzman, Director of Compliance,
20 represented the Commission staff. The Respondent appeared at the hearing by telephone.
21 The Commission was given a copy of a memo prepared by PDC Staff that summarized the
22 case. In addition, the Commission received copies of the Respondent's Declaration of
23 Candidacy and Candidate Registration forms filed before the 2002 primary election. Staff
24 made an oral presentation which included a recommendation that the order be vacated.
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1 After due consideration of the Staff memo, the Respondent's Declaration of
2 Candidacy and Candidate Registration forms, the oral presentation by Staff, and statements
3 made by the Respondent, the Commission made the following
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5 FINDINGS OF FACT

- 6 1. The Respondent was a candidate for State Representative in Legislative District 11 in
7 the 2002 general election.
- 8 2. The original enforcement hearing was held October 2, 2002. The Respondent was
9 found to have violated RCW 42.17.080 and 42.17.090 by failing to timely file the report
10 of contributions and expenditures (PDC form C-4) that was due seven days before the
11 2002 primary election, by September 10, 2002.
- 12 3. In an order entered October 11, 2002, the Respondent was assessed a civil penalty of
13 \$500.
- 14 4. The Respondent chose the full reporting option on the C-1 Candidate Registration form
15 he filed on August 16, 2002, although he accepted no contributions from any source
16 other than himself, and made no expenditures other than the \$328.01 filing fee for his
17 office.
- 18 5. Although the Respondent chose the Full Reporting option, his level of contributions and
19 expenditures qualified him for the Mini Reporting option.
- 20 6. At Brief Enforcement hearings held on October 2, 2002, respondents who had not
21 timely filed the 7 day pre-primary election C-4 report, but who qualified for the Mini
22 Reporting option based on their contributions and expenditures, were not found in
23 violation of RCW 42.17.
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1 ORDER

2 ON the basis of the foregoing Findings of Fact,

3 **IT IS HEREBY ORDERED** that the order entered October 11, 2002, in Case No.
4 **03-052 is VACATED and the case is dismissed.**
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7 DATED THIS 6th day of February, 2003.

8 FOR THE COMMISSION:

9 /s/

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11 VICKI RIPPIE, Executive Director
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